THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.15482 OF 2005

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Dated: 13-12-2005

Between

Dr. Guruju Babitha, W/o. Naga Mallikharjuna Rao, R/o. Ashoknagar, Eluru, West Godavari District.

...PETITIONER

AND

The Superintendent of Police, West Godavari District, Eluru and others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondents 1 and 2 in not conducting proper and necessary investigation duly arresting the accused in Cr.No.17 of 2005 on the file of the second respondent and in allowing the accused to set free having secured their presence without showing their arrest in the said crime as illegal and arbitrary.

Learned counsel for the petitioner submits that on the complaint filed by the petitioner against her husband, parents-in-law and others on 09.06.2005 the second respondent registered the FIR.No.17 of 2005 for the offences under Section 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. It is further submitted after registering the said crime the second respondent secured the presence of the husband of the petitioner and others in Hyderabad and brought them to Eluru on 13.06.2005 but for obvious reasons best known to the respondents they did not show the arrest of the accused and facilitated the third respondent-accused to leave India and the

said fact was also published in the daily newspapers.

This Court is of the opinion that the newspaper clippings cannot constitute a piece of evidence unless admissible evidence is taken into account. The respondents have denied the said allegations made against them.

Having regard to the facts and circumstances of the case, though the grievance of the petitioner appears to be genuine in the absence any admitted evidence this Court cannot deal with the matter for taking appropriate action against the respondents 1 and 2.
As the case in Cr.No.17 of 2005 is pending, the respondents 1 and 2 are directed to take all necessary steps to secure the presence of the accused whether in India or in United States of America (USA) and complete the investigation as expeditiously as possible and file a final report/charge sheet within a period of six months from the date of receipt of this order.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 13, 2005

DSK